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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. **2011-232**

14 **LAURA MAY O'BRIEN**
15 **aka LAURA O'BRIEN**
16 **aka LAURA ROA**
aka LAURA MAY CANNON

ACCUSATION

P.O. Box 684
Oregon House, California 95962

18 **Registered Nurse License No. 421367**
19 **Nurse Practitioner Certificate No. 6263**
20 **Nurse Practitioner Furnishing No. 6263**

21 Respondent.

22 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

23 **PARTIES**

24 1. Complainant brings this Accusation solely in her official capacity as the Interim
25 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
26 Affairs.

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1 **Registered Nurse License No. 421367**

2 2. On or about January 1, 1988, the Board issued Registered Nurse License Number
3 421367 to Laura May O'Brien, also known as Laura O'Brien, Laura Roa, and Laura May Cannon
4 ("Respondent"). The license was in full force and effect at all times relevant to the charges
5 brought herein and will expire on June 30, 2011, unless renewed.

6 **Nurse Practitioner Certificate No. 6263**

7 3. On or about September 18, 1992, the Board issued Nurse Practitioner Certificate
8 Number 6263 to Respondent. The license was in full force and effect at all times relevant to the
9 charges brought herein and will expire on June 30, 2011, unless renewed.

10 **Nurse Practitioner Furnishing No. 6263**

11 4. On or about December 6, 1993, the Board issued Nurse Practitioner Furnishing
12 Number 6263 to Respondent. The license was in full force and effect at all times relevant to the
13 charges brought herein and will expire on June 30, 2011, unless renewed.

14 **JURISDICTION**

15 5. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
16 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
17 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
18 Practice Act.

19 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
20 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
21 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
22 may renew an expired license at any time within eight years after the expiration.

23 **STATUTORY PROVISIONS**

24 7. Code section 2761(a) states, in pertinent part, that the board may take disciplinary
25 action against a certified or licensed nurse or deny an application for a certificate or license for
26 unprofessional conduct.

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1 **BACKGROUND INFORMATION**

2 13. Between July 26, 2006, and March 9, 2007, Respondent was employed at Harmony
3 Health Medical Clinic ("Harmony"), located in Marysville, California, as a furnishing nurse
4 practitioner. While employed at Harmony, Respondent was given a prescription pad containing
5 blank prescriptions. Some of the blank prescriptions had been signed by treating physicians,
6 Fonda Shaw, NPF ("Shaw"), and Roger Hicks, M.D. ("Hicks"), who worked at Harmony. On or
7 about March 9, 2007, when Respondent left her employment with Harmony, she took the blank
8 prescription pad. Respondent then used the prescription pad and wrote prescriptions for
9 Phentermine and Nuva Ring. Respondent forged Shaw and Hicks' signatures on the
10 prescriptions.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Prescribed, Obtained, Possessed, and Self-Administered a Controlled Substance)**

13 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
14 unprofessional conduct as defined in Code section 2762(a), in that between February 12, 2007,
15 and June 25, 2008, while a nurse practitioner, Respondent did the following:

16 a. Respondent obtained Phentermine, a controlled substance, without a lawful
17 prescription in violation of Health and Safety Code section 11170. Respondent used the blank
18 prescription pad from Harmony to write a prescription and forged the signatures of Shaw and
19 Hicks.

20 b. Respondent obtained Phentermine, a controlled substance, by fraud, deceit,
21 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health
22 and Safety Code section 11173(a) by forging the signatures of Shaw and Hicks on prescriptions;
23 having the prescriptions filled, and taking the Phentermine for personal use.

24 c. Respondent illegally possessed Phentermine, a controlled substance, in violation of
25 Code section 4060, because she did not have a lawful prescription.

26 d. Respondent self-administered Phentermine, a controlled substance, without direction
27 from a licensed physician and surgeon, dentist or podiatrist.

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